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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

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14 UNITED STATES OF AMERICA,) CR No. 3-07-70396-JL
15 Plaintiff,) [PROPOSED] ORDER AND STIPULATION
16 v.) EXCLUDING TIME FROM JULY 26, 2007
17 JEFFREY BENJAMIN HARRISON,) TO AUGUST 15, 2007
18 Defendant.)
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20 _____ With the agreement of the parties, and with the consent of the defendant, the Court enters
21 this order extending the time for the preliminary hearing under Federal Rule of Criminal
22 Procedure 5.1, and extending the 30-day time period for indictment and excluding time under the
23 Speedy Trial Act (18 U.S.C. § 3161) from July 26, 2007 to August 15, 2007. The parties agree,
24 and the Court finds and holds, as follows:

25 1. The defendant is presently charged by criminal complaint for a violation of 18 U.S.C.
26 §2252(a)(4)(B) and (a)(1) Currently, the matter is scheduled for a preliminary examination or
27 arraignment on August 15, 2006.

28 [PROPOSED] ORDER
AND STIPULATION EXCLUDING TIME
CR 3-07-70396-JL

1 2. The parties request and stipulate herein that: (a) with the defendant's consent, the twenty-
2 day time limit for a preliminary hearing or indictment under F.R.Crim.P. 5.1(a), (c), and (d) be
3 extended; and (b) time be excluded from calculation of the thirty-day time limit for information
4 or indictment under 18 U.S.C. § 3161(b).

5 3. The parties make this request because the United States has provided and will continue to
6 make discovery available to defense counsel and thus defense counsel needs time to review those
7 materials, meet with the defendant and determine how to proceed. Specifically, defense counsel
8 needs to determine whether a pre-charge disposition is appropriate. Only after evaluating the
9 evidence will counsel be in a position to evaluate what disposition is an appropriate one. He also
10 believes it is his best interest to negotiate the case pre-indictment, and he cannot do that without
11 evaluating the evidence. Accordingly, the extension and exclusion are required for effective
12 preparation of defense counsel.

13 3. The Court finds that there is good cause for the extension under F.R.Crim.P. 5.1, and the
14 exclusion under 18 U.S.C. § 3161, and that the ends of justice served by granting this
15 continuance outweigh the best interests of the public and of the defendant in a speedy trial and
16 the prompt disposition of criminal cases. 18 U.S.C. § 3161(h)(8)(A). The Court further finds
17 that failure to grant the continuance would deny counsel for all parties reasonable time necessary
18 for effective preparation taking into account the exercise of due diligence under 18 U.S.C. §
19 3161(h)(8)(B)(iv).

20 4. Accordingly, and with the consent of the defendant, the Court (1) sets a date before the
21 duty magistrate judge on August 15, 2007, at 9:30 a.m., for setting a date for preliminary hearing
22 and (2) orders that the period from July 26, 2007, to August 15, 2007, be excluded from the time
23 period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy
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27 Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

28 [PROPOSED] ORDER
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1 IT IS SO STIPULATED.

2 DATED: AUGUST 2, 2007

3 _____
4 JOSHUA B. EATON
Assistant United States Attorney

5 DATED: August 2, 2007

6 _____
7 EDWIN PRATHER
Attorney for JEFFREY HARRISON

8 **IT IS SO ORDERED.**

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10 DATED: _____

11 _____
12 THE HON. JAMES LARSON
United States Magistrate Judge

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28 [PROPOSED] ORDER
AND STIPULATION EXCLUDING TIME
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